

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH  
**ORIGINAL TRANSCRIPT**

APR 10 2009

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IN THE UNITED STATES DISTRICT COURT  
STATE OF UTAH

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USA, )  
Plaintiff, ) **SENTENCING**  
vs. )  
EGOR CHERNOV, ) 2:07-cr-00423  
Defendant. ) Judge Kimball  
)

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October 7, 2008 \* 10:30 a.m.

Location: Frank E. Moss U.S. District Courthouse  
350 South Main Street  
Salt Lake City, Utah

Reporter: Ashley Davis, RPR  
Notary Public in and for the State of Utah



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PH: 801.532.3441 FAX: 801.532.3414 TOLL FREE: 877.532.3441

170 South Main Street, Suite 300  
Salt Lake City, Utah 84101

October 7, 2008

SHEET 1

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## PROCEEDINGS

THE COURT: We're here this morning in the matter of United States of America versus Egor Chernov, 2:07-cr-423. United States is represented by Mr. Gregory Lisa and Mr. Robert Tully. Defendant is present and represented by his counsel, Mr. Dmitry Gurovich. We're here for sentencing.

What do you want to tell me, Mr. Lisa?

MR. LISA: Good morning.

THE COURT: Good morning.

MR. LISA: Your Honor, I think by and large the parties have come to an agreement on the PSI presentence report as well as proper guideline calculations. We would submit that under the factors of 3553(e), considering everything, including the circumstances of the defendant and the circumstances of the case, this is exactly the type of case that should fall within the guideline range.

The parties have agreed to the plea agreement in paragraph 13, that the government would recommend the low end of the guideline range, which for Count 1 results in a 21 -- 27-month sentence. Per Counts 3 and 4, that would add on a mandatory minimum of 24 months.

APPEARANCES  
FOR THE PLAINTIFF:  
Gregory C. Lisa  
Robert S. Tully  
SEIGEL, TULLY & FURRER  
Attorneys at Law  
501 Fairmount Avenue, Suite 100  
Towson, Maryland 21286  
(410) 669-9300  
Fax: (410) 669-3894

FOR THE DEFENDANT:  
Dmitry Y. Gurovich  
GUROVICH, BERK & ASSOCIATES  
Attorneys at Law  
15250 Ventura Boulevard  
Suite 1220  
Sherman Oaks, CA 91403  
(818) 205-1555

The parties have agreed that Counts 3 and 4, they cannot run concurrently with another sentence. They can, in the Court's discretion, run concurrent to each other.

We would also recommend that that 27 plus 24 months would result in a 51-month sentence. We respectfully submit that that calculation is appropriate in this case given all the factors enumerated including the guidelines but not limited to them.

THE COURT: Thank you, Mr. Lisa.  
Mr. Gurovich?

MR. GUROVICH: Thank you, Your Honor.  
Your Honor, the defendant agrees with Mr. Lisa's assessment. We are going to remain true to our agreement with just a few requests, Your Honor, if I may.

THE COURT: Yes.  
MR. GUROVICH: Mr. Chernov's parents have many issues back in Russia, and I have something for the Court with respect to that. I believe his father underwent surgery, and I would like the Court to look at the papers and consider them, if I may.

THE COURT: Please bring them up. Thank you.

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<p>1 MR. GUROVICH: Also, Your Honor, I was      2 wondering if the Court would be inclined to recommend      3 a camp facility or a minimum facility in California      4 close to Los Angeles for Mr. Chernov to be      5 transferred after sentence and as well a RSAT      6 facility.</p> <p>7 THE COURT: All right.</p> <p>8 MR. GUROVICH: Thank you, very much.</p> <p>9 THE COURT: Thank you. Does your client      10 want to say anything? He has the right to if he      11 wants to; doesn't have to if he doesn't.</p> <p>12 MR. GUROVICH: No, Your Honor.</p> <p>13 THE COURT: All right. Let me just glance      14 at these.</p> <p>15 I have reviewed the resentence report and      16 considered Counsels' presentations and reviewed these      17 medical documents briefly. I believe this is an      18 appropriate situation for the application of the      19 guideline sentence.</p> <p>20 I will sentence at the low end on Count 1,      21 which is 27 months. I will sentence for Counts 3 and      22 4, 24 months each; however, the sentence on Counts 3      23 and 4 will run concurrently with each other and      24 consecutive to the sentence on Count 1.</p> <p>25 It is the judgment of the Court that the</p>	<p>5</p> <p>1 adopted by this court. Defendant shall also comply      2 with the following special conditions:</p> <p>3 In the event that the defendant is      4 deported from the United States, the defendant shall      5 not illegally re-enter the United States. In the      6 event the defendant should be released prior to -- he      7 should contact the United States Probation Office in      8 the district of release within 72 hours of release.</p> <p>9 If the defendant returns to the United      10 States during the period of supervision after being      11 deported, he is instructed to contact the United      12 States Probation Office in the District of Utah      13 within 72 hours of arrival in the United States.</p> <p>14 Should the defendant not be deported, the      15 defendant will submit to drug and alcohol testing as      16 directed by the probation office and pay a \$115 fee      17 to partially defray the costs for testing and shall      18 participate in substance abuse evaluation and/or      19 treatment under a copayment plan as directed by the      20 Probation Office.</p> <p>21 During the course of treatment, if any,      22 the defendant should not consume alcohol or frequent      23 any establishment where alcohol is the primary item      24 of order. The Court find that the defendant does not      25 have the ability to pay a fine and hereby waives the</p>
<p>1 defendant, Egor Chernov, is placed in the custody of      2 United States Bureau of Prisons for a period of 51      3 months. Upon release from confinement, the defendant      4 shall be placed in a supervised release for the term      5 of 36 months.</p> <p>6 Within 72 hours of release from the      7 custody of the Bureau of Prisons, the defendant shall      8 report in person to the probation office in the      9 district which the defendant is released.</p> <p>10 In accordance with the Violent Crime      11 Control and Law Enforcement Act of 1994, the Court      12 orders that the defendant submit to one drug test      13 within 15 days of placement on supervision and at      14 least two periodic drug tests thereafter as directed      15 by the probation office.</p> <p>16 Pursuant to controlling law, the defendant      17 shall submit to the collection of a DNA sample at the      18 direction of the Bureau of Prisons or probation      19 office. Defendant shall not commit any federal,      20 state, or local crime, and as a convicted felon would      21 be prohibited from possessing a firearm or other      22 dangerous device.</p> <p>23 In addition, the defendant shall not      24 illegally possess a controlled substance and shall      25 comply with the standard conditions of supervision</p>	<p>6</p> <p>8</p> <p>1 fine.</p> <p>2 Since he pled guilty to three counts, it      3 is ordered that the defendant pay a special      4 assessment fee in the amount of \$300. Counts 2, 5,      5, and 7 are dismissed.</p> <p>6 The Court recommends that the defendant be      7 placed in a federal correctional facility as close to      8 Los Angeles as possible and with as minimal security      9 as possible. The Court also recommends the RSAT      10 program and also recommends that the defendant      11 receive appropriate medical attention and treatment.</p> <p>12 Is there anything else?</p> <p>13 MR. GUROVICH: Just one issue of      14 clarification, if I may. I just want to make sure      15 the defendant is getting credit for the time he's      16 already been in custody.</p> <p>17 THE COURT: Yeah. That's standard. He's      18 been -- he's been in custody since mid-June of 2007,      19 I think.</p> <p>20 MR. LISA: That's correct, Your Honor.</p> <p>21 THE COURT: And that's federal custody.</p> <p>22 So yes, he will get credit for that.</p> <p>23 MR. GUROVICH: Thank you.</p> <p>24 THE COURT: Thank you all. Anything else?</p> <p>25 MR. LISA: Nothing more from the</p>

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SHEET 2

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1 government.  
2 THE COURT: We'll be in recess on this  
3 matter. Thank you.  
4 (Hearing concluded at 10:46 a.m.)  
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1 REPORTER'S HEARING CERTIFICATE

2 STATE OF UTAH                   } ss.  
3 COUNTY OF SALT LAKE           } ss.

4  
5         I, Ashley Davis, Registered Professional  
6         Reporter and Notary Public in and for the State of  
7         Utah, do hereby certify:

8         That said proceeding was taken down by me  
9         in stenotype on October 7, 2008, at the place therein  
10         named, and was thereafter transcribed, and that a  
11         true and correct transcription of said testimony is  
12         set forth in the preceding pages;

13         I further certify that I am not kin or  
14         otherwise associated with any of the parties to said  
15         cause of action and that I am not interested in the  
16         outcome thereof.

17  
18         WITNESS MY HAND AND OFFICIAL SEAL this 4th  
19         day of April, 2008.

20    \_\_\_\_\_  
21    Ashley Davis, RPR  
22    Notary Public  
23    Residing in Davis County

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